

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

MARK F. MEDEIROS,  
Plaintiff

v.  
BANK OF AMERICA AKA FIA CARD  
SERVICES, N.A.,  
Defendant

C.A. No. 09-107-S-LDA

**REPLY MEMORANDUM IN SUPPORT OF DEFENDANT'S MOTION TO AMEND  
ANSWER**

Defendant, FIA Card Services, N.A. ("FIA") hereby files this reply memorandum in support of its Motion to Amend its Answer to the Complaint pursuant to Federal Rule of Civil Procedure Rule 15(a), for leave to amend its Answer to the Complaint to, *inter alia*, assert a counterclaim against Plaintiff to enforcement judgments obtained by FIA f/k/a MBNA America, Inc. in the Rhode Island Superior Court against Plaintiff.

FIA attaches herewith certified copies of the Judgments obtained by FIA f/k/a MBNA America, Inc. against Medeiros in the Rhode Island Superior Court, Providence County proceeding entitled MBNA America Bank, N.A. v. Mark F. Medeiros, identified as Civil Action No. 06-5315 and in the Rhode Island Superior Court, Providence County proceeding entitled MBNA America Bank, N.A. v. Mark F. Medeiros, identified as Civil Action No. 06-5762, as Exhibits A and B, respectively. FIA easily obtained certified copies of said Judgments from the Rhode Island Superior Court Clerk's office files. This is contrary to Plaintiff's assertion that he was unable to find any evidence in the Court records that judgments were obtained against him by MBNA America Bank, N.A. n/k/a FIA Card Services, N.A.

FIA CARD SERVICES, N.A.

By Its Attorneys,

PARTRIDGE SNOW & HAHN LLP

/s/ Steven E. Snow \_\_\_\_\_

Steven E. Snow (#1774)  
Lauren F. Verni (#6831)  
180 South Main Street  
Providence, RI 02903  
(401) 861-8200  
(401) 861-8210 FAX

DATED: December 8, 2009

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing REPLY MEMORANDUM IN SUPPORT OF MOTION TO AMEND ANSWER was filed with the Clerk of the United States District Court for the District of Rhode Island this 8th day of December, 2009 and is available for viewing and downloading to ECF registered counsel of record and was sent by mailed, postage prepaid to the following:

Mark F. Medeiros  
464 Eaton Street  
Providence, RI 02908

/s/ Steven E. Snow \_\_\_\_\_

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**EXHIBIT A**

STATE OF RHODE ISLAND  
PROVIDENCE, S.C.

SUPERIOR COURT

MBNA AMERICA BANK, N.A.

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VS.

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MARK F MEDEIROS

PMD-5315

JUDGMENT

It is hereby ordered that after hearing it is hereby ordered that Plaintiff's Motion to Confirm is hereby granted and that judgment enter for the Plaintiff and against the Defendant in the amount of \$ 10383.03 *plus Saturday interest & costs*.

Order entered on \_\_\_\_\_ by the Honorable \_\_\_\_\_

ENTER:

By: Don V. Jr. 1/16/09

PER ORDER:

By: Don Reid  
Ass't Clerk 1-16-09

PRESENTED BY:

Charles M. Vacca, Jr., Esq. #4262  
Wolpoff & Abramson, L.L.P.  
Attorneys in the Practice of Debt Collection  
One Cumberland Plaza  
Woonsocket, RI 02895  
Telephone: 866-386-3427  
PLAINTIFF'S COUNSEL

RIJUDG/RISOAR W&A FILE NO. 148140121

True Copy Attest

*J. S. [Signature]*  
Office of Clerk of Superior Court  
Counties of Providence & Bristol  
Rhode Island, U.S.A.

**EXHIBIT B**

STATE OF RHODE ISLAND  
PROVIDENCE, S.C.

MBNA AMERICA BANK, N.A.

VS.

MARK F MEDEIROS

SUPERIOR COURT

C.A. NO.

PM06-5762

JUDGMENT

It is hereby ordered that after hearing it is hereby ordered that Plaintiff's Motion to Confirm is hereby granted and that judgment enter for the Plaintiff and against the Defendant in the amount of \$ 3029.65 *plus interest & costs*

Order entered on 1/24/07 by the Honorable Judge Lin

ENTER:

PER ORDER:

By: DWJ

By: SMC

1-24-2007

SMC

Clark

PRESENTED BY:

CM Vacca

Charles M. Vacca, Jr., Esq. #4262  
Wolpoff & Abramson, L.L.P.  
Attorneys in the Practice of Debt Collection  
One Cumberland Plaza  
Woonsocket, RI 02895  
Telephone: 866-386-3427  
PLAINTIFF'S COUNSEL

RIJUDG/RISOAR W&A FILE NO. 148140801

True Copy Attest:

J. S. Kinch Jr.

SUPERIOR COURT  
FILED  
HENRY S. KINCH JR., CLERK  
Office of Clerk in Superior Court  
Counties of Providence & Bristol  
Providence, Rhode Island

2007 JAN 24 A 10:21